



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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**MINUTES
BUILDING, FIRE & PLUMBING CODES COMMITTEE**

Date: March 8, 2002
Location: WestCoast SeaTac Hotel

Members Present: Dave Saunders, Chair; Dave Baker; Steve Nuttall; Dale Shafer; Jim Lewis; Sue Alden; John Fulginiti

Members Absent: Rory Calhoun, Bill Misocky

Other Council Members Present: Chris Endresen, Stan Price

Visitors Present: Charles de Montigny, Robert Stroh, Holly Anderson, Tom Phillips, Bob Eugene, Jon Siu, Dave Cantrell, Joe Cook, John Hogan, Mark Thompson

Staff Present: Tim Nogler, Al Rhoades, Krista Braaksma, Patti Thorn

CALL TO ORDER

The meeting was called to order at 10:10 a.m. by Dave Saunders, Committee Chair. Everyone was welcomed and introductions were made.

REVIEW AND APPROVE AGENDA

The agenda was reviewed. Sue Alden recommended including a discussion of a recommended plan of action should HB 1555 pass in the Legislature. Dave Saunders placed this discussion under Other Business. Dave Baker thought the issue would better fit at either the Legislative Committee or the full Council meeting. Jim Lewis recommended starting the discussion at this Committee, if time permits. The agenda was approved as amended.

REVIEW AND APPROVE MINUTES

The minutes of the January 11, 2002, meeting were reviewed and approved as written.

ADULT FAMILY HOME RULEMAKING PROCESS

Tim Nogler gave the Council a brief update of the rulemaking process to address the petition submitted by Art Hansen, Golden Years, Inc., to repeal changes to Sections 202 and 310 of the Uniform Building Code related to Adult Family Homes. Tim noted that rulemaking issues are usually considered by a Technical Advisory Group (TAG) and it is the recommendation of Council staff to form an Adult Family Home TAG to review the petition. Steve Nuttall volunteered to chair the TAG. Staff listed the following individuals who have expressed an interest in participating on the TAG:

Robert Stroh, DSHS Residential Care Services
Chris Kelly, Thurston County Plans Examiner
Art Hansen, Golden Years Inc. (the petitioner)
Audrey Wooden, Washington State Residential Care Council
Darren Simnioniw, residential care provider in Spokane

Tim noted that this review should not involve a lengthy process. The goal would be to conduct two TAG meetings and prepare a report for review at the next full Council meeting in Spokane on May 10, 2002.

Steve Nuttall asked that TAG membership be reviewed by the chair prior to the first TAG meeting and additional members appointed if needed. He asked that both the Building Official and Fire Official groups be notified to see if they have any interest in participating. Sue Alden also recommended that someone representing architects participate on the TAG.

INTERPRETATION REQUESTS

City of Seattle

Al Rhoades presented revised interpretation No. 02-January 01 from the City of Seattle, which had been tabled at the January 11 meeting. Al stated that he worked with staff from the City of Seattle to clarify the interpretation. Their questions read:

1. When a new roof deck is added to an existing commercial building is it an addition or alteration? Is an accessible route, such as an elevator, required to the deck? If so, does the building official have authority to waive accessibility requirements if the cost of providing the accessible route exceeds 20 percent of the project?

2. When a mezzanine is added to an existing commercial building is it an addition or alteration? Where the exceptions to Section 1103.2.2 do not apply, is an accessible route required to the mezzanine? Does the building official have authority to waive accessibility requirements if the cost exceeds 20 percent of the project?
3. Where the mezzanine in Question 2 is proposed by a tenant who does not have control over the remainder of the building, can the accessible route be limited to the tenant space only?

The proposed revised answers read:

1. Assuming that the new roof deck has open sides and no roof cover, it does not increase the floor area or height of the building and the new deck should be considered an *alteration*. Section 1112—Alterations would apply to the new roof deck and Section 1112.1.2—Existing Elements requires the new roof deck to be accessible.

Section 1112.1.2, Exception 1, provides that an *accessible route of travel* need not be provided to the new roof deck if it is not an area of primary function.

If the new roof deck is an area of primary function, Section 1112.1.2 requires the *path of travel* to the deck be made accessible to the extent feasible. Section 1112.1.2, Exception 3, would allow the building official to apply the 20 percent of project cost exception.

2. Taking into consideration the ADAAG definitions, the new mezzanine should be considered an *addition* because it increases the gross floor area within the building. Section 1111—Additions would apply to the new mezzanine and it is required to be accessible.

An *accessible route of travel* to the new mezzanine is required by Section 1111, Item 2. There is no specific provision to allow an exception to providing an *accessible route of travel* to the new mezzanine. However, it is the intent of the code to place a reasonable limit on added costs for providing barrier-free improvements in existing buildings. Therefore, the intent is, subject to the approval of the building official, the route of travel need not be made accessible if the cost of compliance would exceed 20 percent of the total cost of construction, inclusive of the cost of eliminating barriers, within a 36-month period.

3. Yes. Section 1111, Item 2 states that “at least one accessible route of travel shall be provided through the existing building or facility to all rooms, elements and spaces in the new addition”. The definition of *facility* is “something that is built, constructed, installed, or established to perform some particular function or to serve or facilitate some particular end” (*Webster’s Third New International Dictionary of the English Language, Unabridged*, copyright 1986). A tenant space in a

commercial building constitutes a *facility* in that the space “is established to serve the particular end” or need of the tenant. Therefore, in a commercial building where a mezzanine is added within a tenant space, an accessible route is required to the mezzanine through the tenant space, but not through the entire building.

Note: The intent of the above 20 percent of cost exceptions is to require that up to 20 percent of a project costs be spent on barrier removal in alterations or additions. See Interpretation No. 93-49.

Motion #1:

The Committee moved to approve the interpretation request as amended. The motion carried unanimously.

City of SeaTac

The City of SeaTac requested an interpretation of Section 202, Adult Family Home definition and Section 310.4, Adult Family Homes. Their question reads:

We are considering an “Intensive Tenant Support” facility, a home regulated by the Department of Social and Health Services (DSHS) through the Division of Developmental Disabilities (DDD). The tenants live in a corporation owned single family residence and are provided with personal and special care services 24 hours a day, similar to an Adult Family Home. An Adult Family Home is a DSHS licensed facility, but this Intensive Tenant Support facility is not a licensed facility. Does the definition of Adult Family Home, as found in UBC Section 202, include Intensive Tenant Support facilities and should they be required to comply with UBC Section 310.14?

The proposed answer reads:

No. The intent is that the definition for Adult Family Home in Section 202 and the special requirements in Section 310.14 apply specifically to facilities licensed by DSHS as Adult Family Homes. “Intensive Tenant Support” facilities as described above are not specifically addressed in the code.

The Committee heard comments from the audience regarding background on this issue. It was noted that there has been long standing confusion over the differences between Adult Family Homes (AFH) and Intensive Tenant Support (ITS). Both of these types of residences are typically located in private homes. The two significant differences deal with licensing requirements and how residents pay for services.

Representatives from the fire service stressed that from their perspective both of these residencies have a need for a higher level of response in the event of an emergency. They can’t distinguish between how payments are made or whether or not the homes are certified or licensed. It was noted that the Division of Developmental Disabilities (DDD)

created the ITS residential option to provide community-based housing for people with developmental disabilities.

Dave Baker stated that he felt the issue should be handled outside of the building code. These are single family homes no matter who lives in them or what services they are receiving. He thought it was a social issue and not a code issue.

Dave Saunders asked Steve Nuttall as chair of the newly formed Adult Family Home TAG to review this issue at the TAG level. Steve agreed to place this on the TAG agenda. He stated that there should be a way to resolve the issues without sacrificing life safety.

Motion #2:

Jim Lewis moved to forward this interpretation request to the newly formed Adult Family Home TAG for review. Dave Baker seconded the motion. The motion carried unanimously.

Interpretation request No 02-March 01 was tabled until the May 10, 2002 meeting pending a report from the Adult Family Home TAG.

City of Vancouver

The City of Vancouver requested an interpretation of Section 1107.3, Signs. Their questions read:

1. Section 1107.3 states that an accessible parking space “shall be identified by a sign, centered between 3 and 5 feet above the parking surface, at the head of the parking space”. Does “centered” mean mid-way between 3 and 5 feet high above the parking surface or in the middle of the parking space at its head end?
2. Does “at the head of the parking space” allow for the sign to be mounted on a building across a sidewalk from the parking space?

The proposed answers read:

1. The requirement to be “centered” means in line with the longitudinal axis of the parking space. The height requirement is that the bottom of the sign be no lower than 3 feet and the top of the sign no higher than 5 feet above the parking surface.
2. Yes; however, the sign must be located such that it clearly identifies the space and will not be obscured from view.

Motion #3:

Dave Baker moved to approve the interpretation request as presented. Jim Lewis seconded the motion. The motion carried unanimously.

City of Bellevue

The City of Bellevue requested an interpretation of Section 1103.2.2, Accessible Route of Travel. Their questions read:

1. Do the provisions of Section 1103.2.2, which relate to providing an accessible route of travel to all portions of the building, apply to the installation of movable workspace partitions used to create interior office cubicles?
2. Are any of the work spaces formed by movable partitions required to be accessible? If so, what percentage?
3. Is the minimum 32" passage width for access into workspaces formed by movable partitions, which is required by Section 1106.4.1, required for all office cubicles?
4. When aisles are formed by movable partitions, are they required to be at least 36" wide? Section 1106.20.

The proposed answers read:

1. No. Section 1101—Scope, provides that “buildings or portions of buildings” shall comply with Chapter 11. The definition of a building *Element* in Section 1102 indicates that the architectural components of a building include items which are permanently installed. The accessibility requirements contained in Chapter 11 generally do not apply to furniture and equipment which is not permanently installed as part of building construction. See also Interpretation No. 93-87.
- 2., 3., and 4. No, movable partitions are not scoped as an accessible element under the purview of Chapter 11, and are therefore exempt from the requirements of these sections. However, the issues raised by these questions may be affected by other regulations, such as employment accommodation requirements addressed by Title I of the Americans with Disabilities Act (ADA).

Motion #4:

Dave Baker moved to approve the interpretation request as presented. Sue Alden seconded the motion. The motion carried unanimously.

STAFF REPORT

Al Rhoades reported that Council staff has been discussing the status of the TAGs. He stated that this issue would be raised by Tim Nogler at the full Council meeting later today.

OTHER BUSINESS

The discussion of a process in the event of passage of HB 1555 was moved to the Legislative Committee meeting.

There being no further business, the meeting was adjourned at 10:59 a.m.